

DISPOSITION: February 11, 1953. Default decree of condemnation. The court ordered that a portion of the product be delivered to the Federal Security Agency and that the remainder be destroyed.

3990. Misbranding of Color-Therm device. U. S. v. 1 Device * * *. (F. D. C. No. 34398. Sample No. 43845-L.)

LABEL FILED: December 8, 1952, Western District of Oklahoma.

ALLEGED SHIPMENT: Prior to December 8, 1952, from Mission, Kans., by E. K. Kusch, who had rented or purchased the device from Fred Gerkey.

PRODUCT: One *Color-Therm device* at Fairview, Okla. The device consisted of a unit with six U-shaped tubes and a hand applicator with one straight and two U-shaped tubes for producing colored lights, similar to the so-called neon lights, with electrical connections to operate them.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use for the purposes for which it was intended, namely, liver trouble, ulcers, high blood pressure, and other diseases.

DISPOSITION: February 3, 1953. Default decree of condemnation. The court ordered that the device be delivered to the Food and Drug Administration.

3991. Misbranding of Color-Therm device. U. S. v. 1 Device * * *. (F. D. C. No. 34401. Sample No. 16497-L.)

LABEL FILED: On or about December 11, 1952, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about January 21, 1952, by Fred Gerkey, from Mission, Kans.

PRODUCT: One *Color-Therm device* at Sapulpa, Okla. The device consisted of a unit with six U-shaped tubes and a hand applicator with one straight and two U-shaped tubes for producing colored lights, similar to the so-called neon lights, with electrical connections to operate them.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use for the purposes for which it was intended, namely, arthritis, rheumatism, and other diseases.

DISPOSITION: December 31, 1952. Default decree of condemnation. The court ordered that the device be dismantled and that any parts of use in the commercial field be sold.

3992. Misbranding of ultrasonic device. U. S. v. 1 Device * * *. (F. D. C. No. 34468. Sample No. 62314-L.)

LABEL FILED: January 6, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about October 14, 1952, by the Porter Co., from Mt. Vernon, Ill.

PRODUCT: One *ultrasonic device* at Potosi, Mo., together with a booklet designated as "Porter Ultrasonics Treatment Chart." The device was classed as an ultrasonic vibrator since it gave off mechanical vibrations at a frequency far above the range of audible sound.

LABEL, IN PART: (Device) "The Porter Co. Mt. Vernon, Ill. Model 4 Serial 104."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the booklet accompanying the device were false and misleading. The statements represented and suggested that the device would provide an adequate and effective treatment for abscesses, adnexitis, angina pectoris, arthritis, asthma,

Bechterew's disease, bed-wetting, bronchitis (bronchiectasis), Buerger's disease, bursitis, causalgia, colecystitis, colesystopathic, coccygodynia, colitis, coxarthrosis, diphtheric bacilli carriers, glands (tumefaction) Dupuytren's contraction, dysbasia, elephantiasis, eczema, endangitis obliterans, epicondylitis, epilepsy, erythema nodosa, erythromelalgia, fistula, furuncle, carbuncle, joint effusion, gingivitis, urethral stricture, skin carcinoma, hemiplagia, herpes zoster, hypertonia essential, infiltrations, intercostal neuralgia, induratic penis plast, ischialgia, lockjaw, lumbago, lymphadenitis, mastitis, Meniere's disease, multiplesclerosis, myalgia, myelitis, scar contraction, neuralgia and neuritis, neuroma after amputation, osteomyelitis, ostitis and periostitis, panaris, paradentosis, parotitis, paronychia, parulis, periarthritis, phlegmon, polyarthritis, postoperative pain, prostatitis, pruritus, pulpitis, Raynaud's disease, rheumatism, X-ray ulcers, scalenus syndrom, sweat glands abscess, scleroderma, sinusitis, spondylosis, sudek'sche dystrophy, tendovaginitis, thrombophlebitis, tonsillitis, trieminus neuralgia, tuberculosis, tumors, ulcer cruris, ulcer ventricular and duodenal, warts, dental granuloma, cellulitis, radiculitis, kieferhoehlenetzueundung, and nebenhoehlenetzuendung. The device would not provide an adequate and effective treatment for such conditions.

Further misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use for the purposes for which it was intended.

DISPOSITION: February 4, 1953. Default decree of condemnation. The court ordered that the device be delivered to the Federal Security Agency.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS *

3993. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 2 Bottles, etc. (and 1 other seizure action). (F. D. C. Nos. 34521, 34538. Sample Nos. 56839-L, 56841-L, 56842-L.)

LIBELS FILED: January 2 and 7, 1953, Northern District of Ohio.

ALLEGED SHIPMENT: Between the approximate dates of August 8 and December 8, 1952, by Fellows Medical Mfg. Co., Inc., from New York, N. Y.

PRODUCT: 2 1,000-capsule bottles and 161 50-capsule bottles of *vitamin B complex capsules* at Cleveland, Ohio.

LABEL, IN PART: "Fellows Vitamin B-Complex Capsules."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 10 milligrams of thiamine hydrochloride (vitamin B₁) per capsule.

Misbranding, Section 502 (a), the label statement "each capsule contains Thiamine Hydrochloride (10 M. D. R.) 10 Mg." was false and misleading as applied to the article, which contained less than that amount of thiamine hydrochloride (vitamin B₁) per capsule.

DISPOSITION: February 18, 1953. Default decrees of condemnation and destruction.

3994. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 1 Bottle, etc. (F. D. C. No. 34537. Sample No. 56840-L.)

LIBEL FILED: January 7, 1953, Northern District of Ohio.

*See also No. 3985.